

REMARKS

The Office Action of May 4, 2004 presents the examination of claims 17-24, 34-44 and 46-53. The present paper amends claims 17-20, 42-43.

Claims 19, etc. allowable

The Examiner indicates that claims 19-24, 34-41, 44, 46-51 and 53 are objected to as dependent upon a rejected base claim, but would be allowable if rewritten into independent form. Claims 19 and 20 are so amended herein. Accordingly, at least these two claims should now be found allowable.

Rejection under 35 USC § 102

Claims 17, 18, 42, 43 and 52 stand rejected under 35 USC § 102(b) as anticipated by Yanagisawa JP '439. The Examiner indicates that Yanagisawa's formula 2 encompasses Applicants' formula I when  $c=1$ .

In a telephone interview of April 22, 2004, the Examiner suggested amendment of the claims to recite that " $c = 2, 3$  or  $4$ " to overcome the instant rejection. Instead, Applicants herein amend claims 17, 18, 42 and 43 to recite that

U is an inorganically modified organic radical comprising a siloxane or carbosiloxane framework having two atoms that are silicon or germanium or a carbosilane framework having at least one atom that is silicon or germanium, said

framework having 1 to 15 C atoms and up to 5 additional heteroatoms that are O, S or N.

The Examiner should compare this recitation with the structure of Yanagisawa's formula 2, which contains four or more silicon or germanium atoms in the part of the structure corresponding to U. Accordingly, the instantly claimed invention is distinct from what is disclosed by Yanagisawa JP '439 and the instant rejection should be withdrawn.

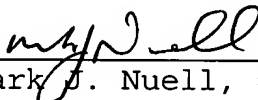
The present application well-describes and claims patentable subject matter. The favorable action of allowance of the pending claims and passage of the application to issue is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Mark J. Nuell, #36,623

DRN/mua  
0475-0199P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachment(s)